

EXHIBIT A

February 25, 2019

The Honorable Lewis A Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: University of Louisville / SDNY – Victim Impact Statement

Dear Judge Kaplan and this Honorable Court:

Founded in 1798, the University of Louisville is a nationally-recognized, metropolitan research university in Louisville, Kentucky, with a commitment to the liberal arts and sciences and to the intellectual, cultural and economic development of our diverse communities and citizens. The University employs approximately 6,900 faculty and staff members and supports a student body of more than 22,000. We maintain schools of medicine, dentistry, nursing, law, engineering, education and human development, music, business, arts and sciences, and social work, as well as a school of interdisciplinary and graduate studies. Since 2003, our University has produced 121 Fulbright Scholars and, for the fifth time, was named this year as one of the nation's top Fulbright-producing universities. Among many other national and international awards, our University produced a Rhodes Scholar in 2009.

We know that as you sit in this courtroom in Lower Manhattan, the University of Louisville seems far removed from your daily lives. Moreover, it's possible that your only impression of our University was the testimony you heard and the conclusions you reached regarding the illegal scheme to influence collegiate basketball recruiting. And as you may have concluded from the evidence you heard, that collegiate basketball is important to the University of Louisville. This is true. But the University is so much greater than its basketball team. Moreover, the impact of the illegal scheme which was revealed by the U.S. Department of Justice had a greater impact on the University than just awarding a scholarship to a young student athlete whose eligibility to play had been compromised. This scheme impacted our current students, alumni and fans, whose beloved institution was relegated to a national scandal; it impacted all our student-athletes, young 18-23 year olds across a spectrum of sports; and it impacted every employee who worked with young Brian Bowen during the Summer and Fall of 2017, to ensure that the University treated him fairly, as an 18-year old student-athlete who by all appearances had no idea that a handful of deceitful individuals were conspiring with his father to buy and sell his choice of school.

Only a portion of the evidence and testimony you heard over the course of the trial in October dealt with the University of Louisville; however, you did hear from John Carns, a 22-year employee of the University of Louisville, responsible for Athletic Compliance. He testified about the scope of his role and the expectations of the staff and coaches when it comes to recruiting amateur student athletes to play in a Division 1 collegiate basketball program. He testified about the dollar value of a full athletic scholarship, an educational benefit of which only elite athletes can even dream. But that dollar amount cannot explain the full impact that the University of Louisville felt when we learned we were the victim of the scheme hatched by the defendants and others, including Brian Bowen Sr., to pay for young Brian Bowen to attend the University of Louisville.

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The immediate impact was a shockwave felt by every student, faculty, staff, administrator and trustee. The Men's Head Basketball Coach and most of his coaching staff immediately were placed on leave and subsequently fired, just days before practices for the 2017-2018 season began. Eighteen-year old Brian Bowen Jr was consequently pulled from all future practices and competition with "his" team as soon as the indictments were revealed. And the questions among the athletic staff, charged with caring and supporting these athletes, began to snowball about what could possibly be done to protect this young man's future without negatively impacting the other members of his team and the entire men's basketball program. Of course we would allow Brian Bowen Jr to retain his scholarship and continue to go to classes, even if he couldn't play. Of course he could remain in his dorm with other members of his team, even if he couldn't practice with them. Of course he could continue receiving strength training and academic programming through the athletic department, even if his opportunity to play at Louisville was all but abandoned. We owed this young man the opportunity to continue his education in as supportive an environment as possible, given the attention immediately focused on him and his circumstances, because of the criminal actions of a few. And each of these decisions were discussed and implemented by the professionals who support the students and athletes at the University.

Meanwhile, the other student athletes on the basketball team were reeling from the impact as well. The head coach and most of his coaching staff were terminated; as was the long-serving athletic director, who was removed from day-to-day oversight of the program by the University's president and Board of Trustees within days of the US Department of Justice alerting Louisville of the indictments against the defendants. And the former men's assistant who was not implicated in the scandal was immediately thrust into the position of the Acting Head Coach for a team of young men who were preparing for the start of their season, without the coaches who had recruited them and without the teammate they had been living with, all as a result of circumstances beyond their control. What was building up to be a very promising season for these young college student athletes was turned upside down into what seemed to be a national spectacle. With maturity and grit, these committed student-athletes pulled together and played, but their season was wildly different than they could have imagined. Brian Bowen continued attending classes and working out on his own; as the facts and circumstances dictated he would never have the opportunity to compete at the University of Louisville.

And beyond the toll inside the University and its athletic department in managing the effects of this crisis, the University of Louisville suffered the impact of a demoralized alumni, a defeated fanbase, and a rapid decline in ticket sales, sponsorships, donations, and revenue, in addition to the costs associated with the on-going litigation with the former Head Coach and the financial settlement with the former Athletic Director as a result of their terminations. Easily, the real financial impact is in the millions of dollars. In the world of Division 1 collegiate athletics, the revenue from a high profile sport such as men's basketball serves to support the twenty-three other sports, such as swimming, softball, track & field, and rowing. Attendance at Louisville basketball games plummeted by 19% for the 2017-18 season. Moreover, there remain the implications of defendants' actions within the context of the NCAA's obligation to investigate allegations of pay-for-play in collegiate basketball, and to what extent that may impact the program and the University in the future. The answer to this question remains unknown, but Louisville was already bearing the weight of an NCAA infractions case on appeal at the time the Department of Justice revealed the corruption scheme involving the Defendants, who had

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no regard for the fact that Louisville was already serving a probation for its men's basketball team, nor the potential additional negative impact additional violations would have.

The loss suffered by Louisville over the actions of these Defendants and the others involved reflects an impact way beyond just the cost of a scholarship. And it does not help to quantify the opportunity costs and the human toll the defendants' actions took on a host of individuals, 18- to 22-year-old students on their own for the first time and entrusted to us; and the professionals committed to supporting, developing, and educating them before launching them into the world. That development of students – not just good basketball – is the real purpose of the University of Louisville.

Thank you for your consideration.

Sincerely,



Amy Elizabeth Shoemaker
Deputy University Counsel

Cc: Edward Diskant, Assistant U.S. Attorney
Michelle Sartori, Esquire